

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

MICHAEL SCOTT RAST,)
Plaintiff,)
v.)
CAROLYN W. COLVIN,) CIVIL NO. 0:13-cv-3058-JMC
Acting Commissioner of)
Social Security Administration,)
Defendant.)

ORDER

Pursuant to the power of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's September 24, 2014, Judgment and Order remanding this case to the defendant Acting Commissioner for further administrative proceedings,

IT IS HEREBY ORDERED that the Court will award attorney fees and expenses in the amount of \$2,637.80 (two thousand six hundred thirty seven dollars and eighty cents) in full satisfaction of any and all claims Plaintiff may have in this case under the Equal Access to Justice Act.

Pursuant to the United States Supreme Court's ruling in Astrue v. Ratliff, 560 U.S. 586 (2010), these attorney fees are payable to Plaintiff as the prevailing party, and are

subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney's fees to offset, the Commissioner may honor a signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff rather than to counsel. Should this occur, any remaining fees made payable to Plaintiff shall be sent to his counsel.

s/J. Michelle Childs
J. Michelle Childs
United States District Judge

November 4, 2014
Columbia, South Carolina